# **PUBLIC NOTICE**



US ARMY CORPS OF ENGINEERS APPLICANT: SD DEPT OF

TRANSPORTATION

APPLICATION NO: 200430323

WATERWAY: SPRING CREEK/ELM CREEK/

UNNAMED TRIBUTARIES

OMAHA DISTRICT

ISSUE DATE: OCTOBER 20, 2004

EXPIRATION DATE: NOVEMBER 10, 2004

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501

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21-DAY NOTICE

#### JOINT NOTICE OF PERMIT PENDING

# US ARMY CORPS OF ENGINEERS AND

#### SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The application of the SD Dept of Transportation (SD DOT), 700 East Broadway, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to perform fill placement activities in various streams and adjacent wetlands in association with the phase construction of the Heartland Expressway project involving the addition of two (2) driving lanes to existing South Dakota Highway 79 from Buffalo Gap to Maverick Junction. The project is located in Sections 30 and 31, Township 6 South, Range 7 East, Custer County and in Sections 1, 12, 13, 14 and 23, Township 7 South, Range 6 East, Fall River County, South Dakota.

The proposed project will consist of constructing new road grade adjacent to the existing highway to include replacement or extension of drainage culverts, bank and channel erosion protection, temporary contractor crossings and work platforms, and seeding and mulching of disturbed areas. The project construction will adversely impact short segments of stream channel including 0.10 acre of wetland area in locations adjacent to the streams. The wetland loss is proposed to be mitigated (replaced) from the SD DOT existing wetland mitigation bank at a site located in Tripp County, South Dakota.

The purpose of the project is to improve the current condition of the roadway for public safety by upgrading the existing two-lane highway to a four-lane highway and accommodating high volumes of traffic. A relative high number of accidents have occurred along this road route.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:51:01).

Omaha District will comply with the National Historic Preservation Act of 1966, as amended. The U. S. Department of Transportation, Federal Highway Administration (Lead Federal Agency funding) and the applicant completed an Environmental Assessment (EA) of the proposed project construction activities. The EA indicates that a cultural resources survey was completed and the survey report provided to the State Historic Preservation Officer (SHPO). In an attachment to the EA (letter dated September 26, 2001), the SHPO concurred with a "NO HISTORIC PROPERTIES AFFECTED" determination provided that certain mitigation stipulations in the survey report are followed (SHPO Project ID No. 010829006F). However, we will evaluate any additional input by the SHPO and the public in response to this public notice.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

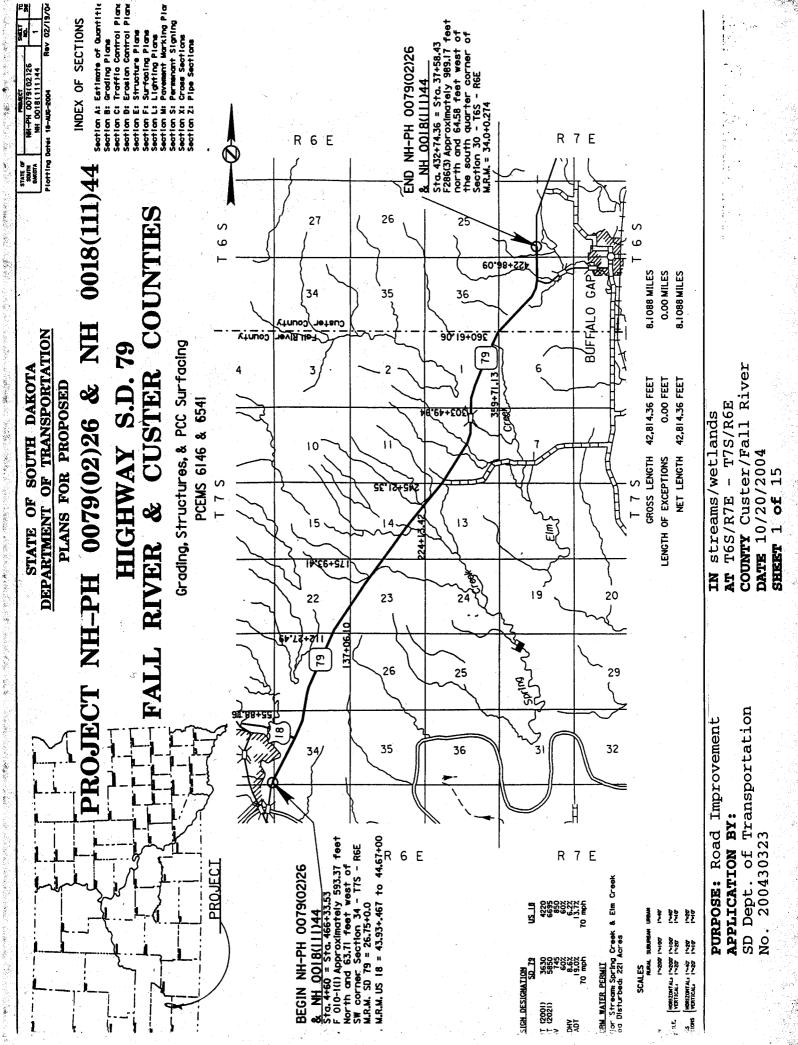
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before November 10, 2004. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application. All replies to the public notice should be addressed to the address listed in the previous paragraph. Thomas A Lowin, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

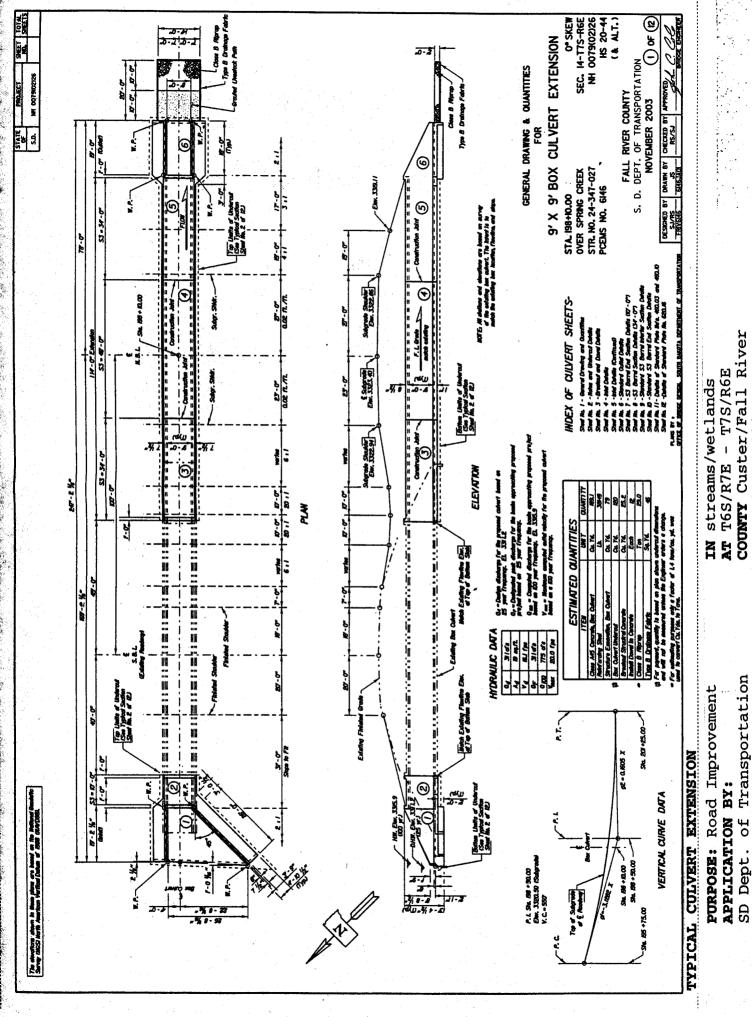
This project, if authorized, will be under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.



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COUNTY Custer/Fall River DATE 10/20/2004 SHEET 10 of 15 AT T6S/R7E - T7S/R6E

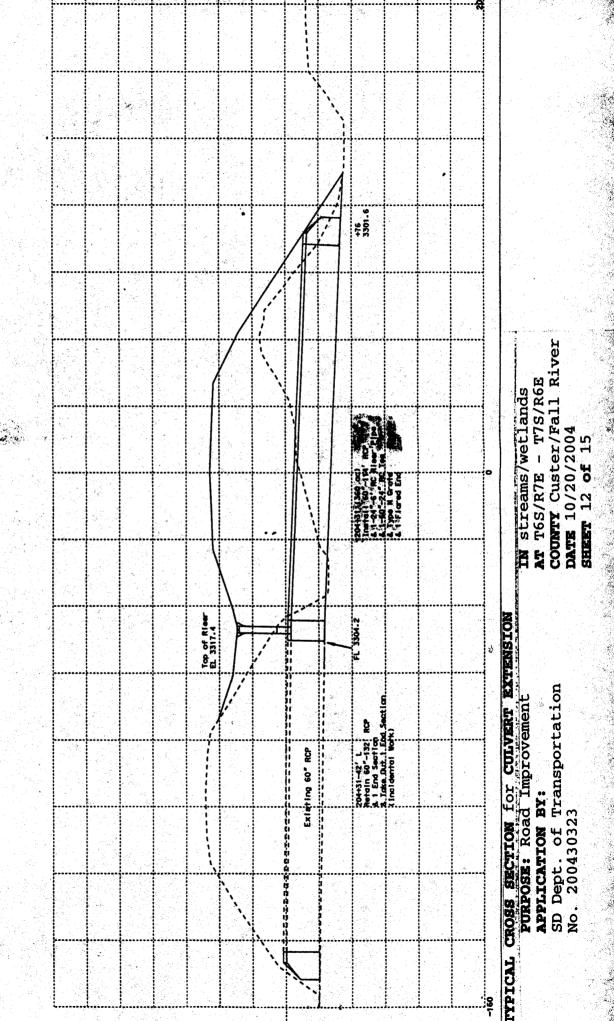


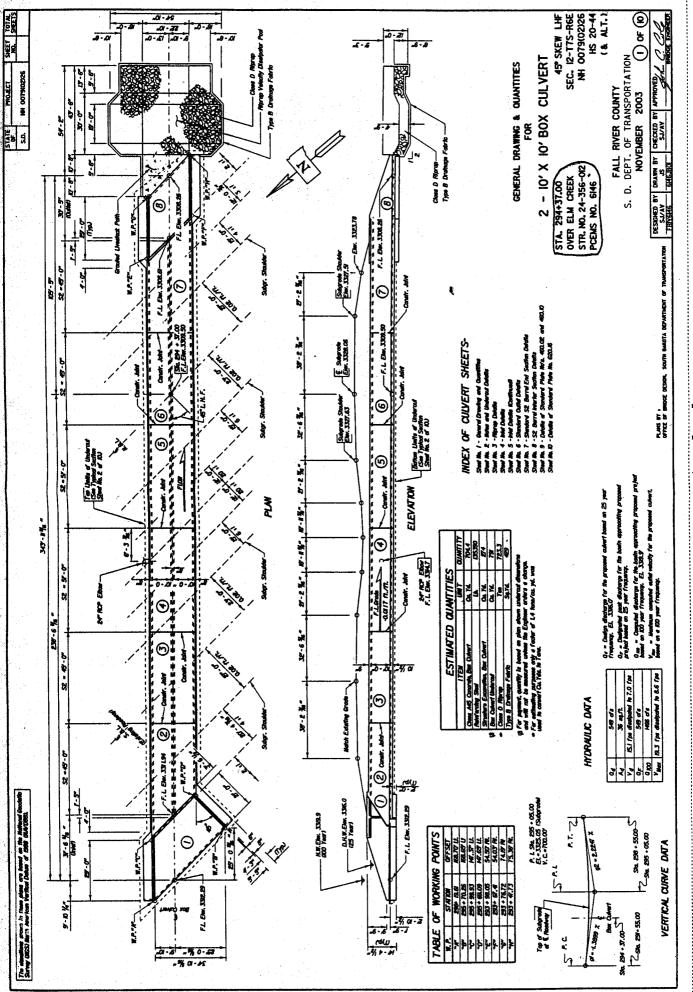
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No.

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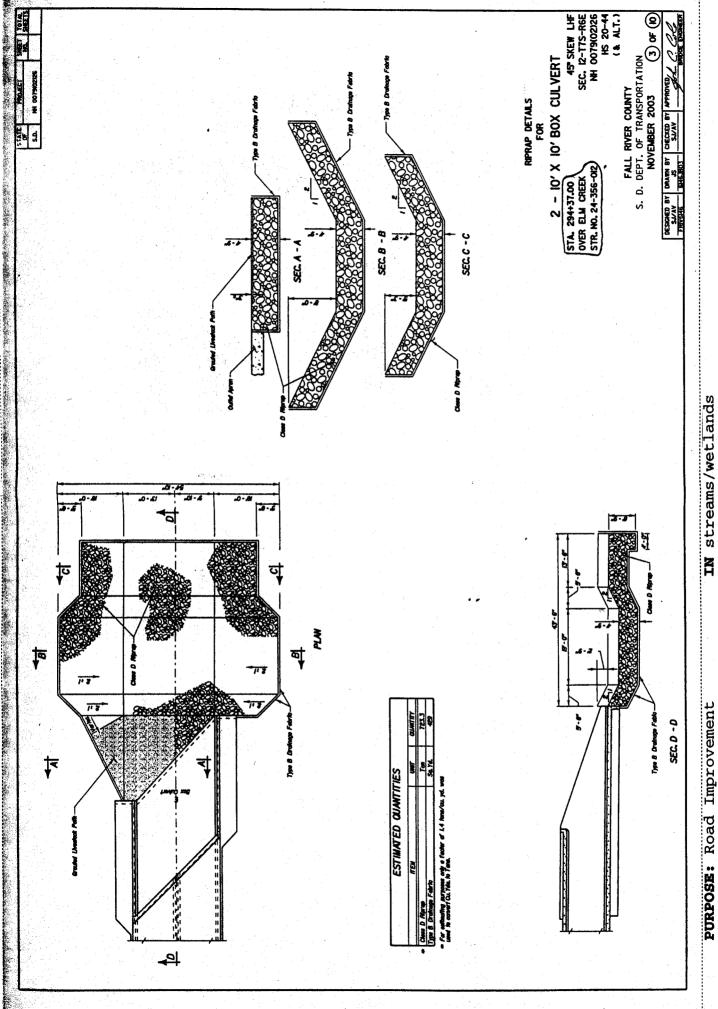
Transportation **PURPOSE:** Road Improvement APPLICATION BY:

No. 200430323

SD Dept. of

COUNTY Custer/Fall River AT T6S/R7E - T7S/R6E streams/wetlands DATE 10/20/2004

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- T7S/R6E IN streams/wetlands AT T6S/R7E

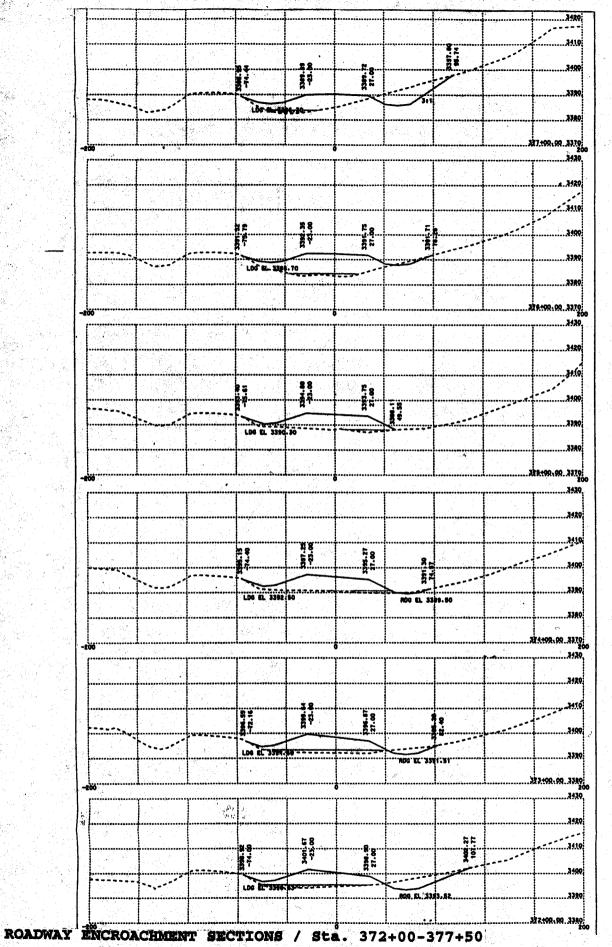
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SD Dept. of Transportation

No. 200430323

APPLICATION BY:

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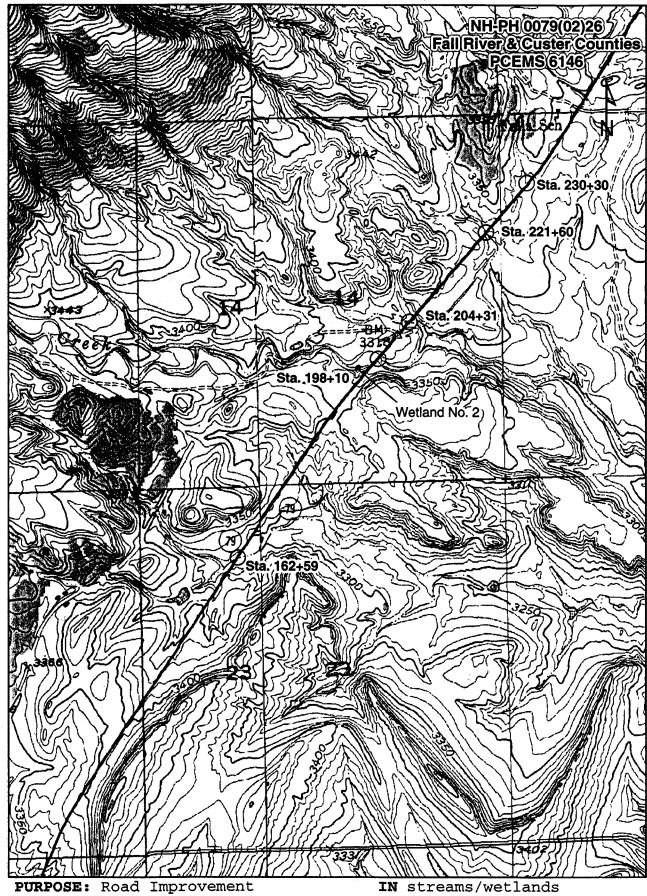
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IN streams/wetlands
AT T6S/R7E - T7S/R6E
COUNTY Custer/Fall River
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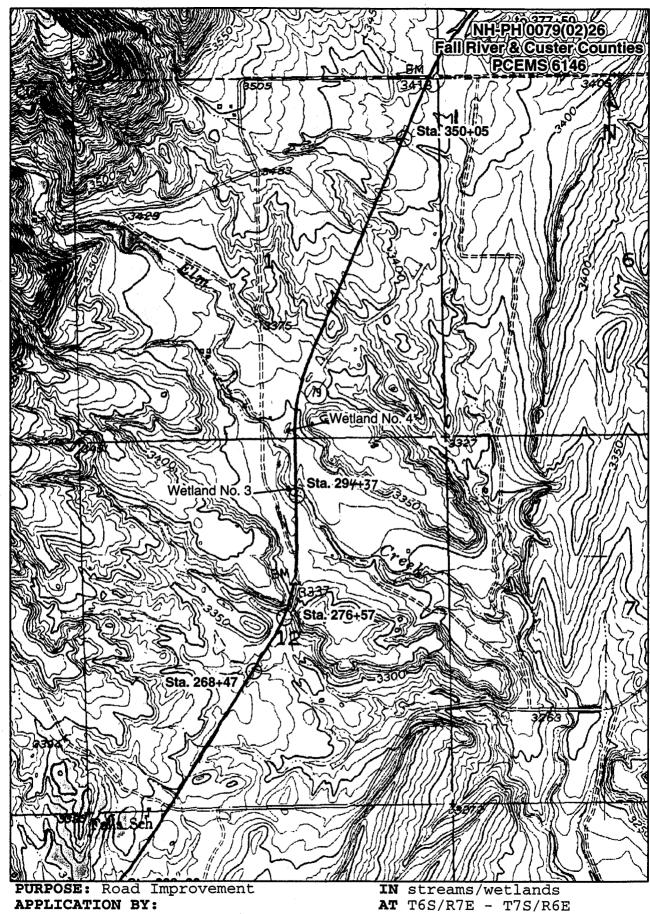
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IN streams/wetlands
AT T6S/R7E - T7S/R6E
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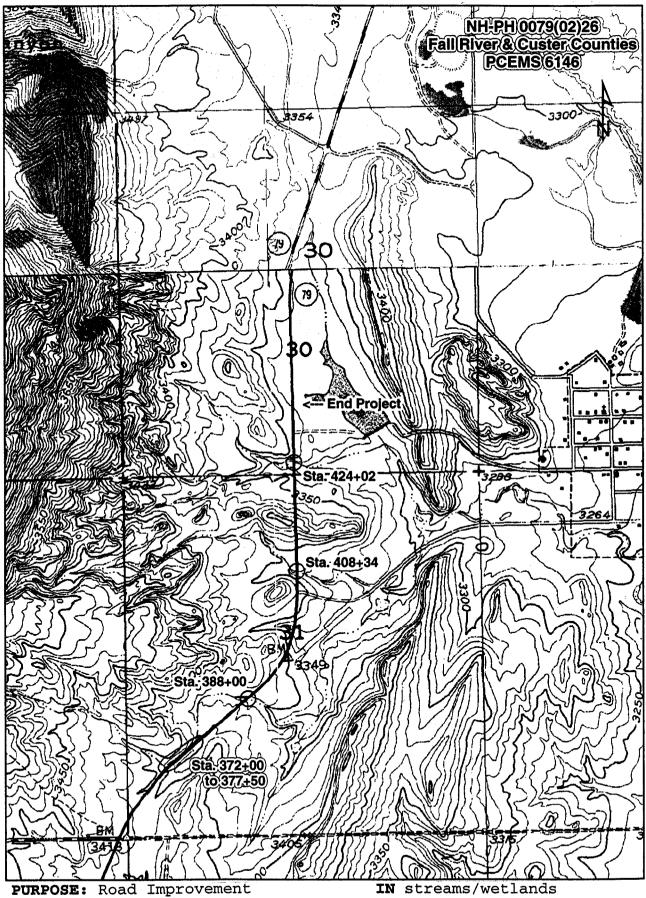
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**PURPOSE:** Road Improvement **APPLICATION BY:** SD Dept. of Transportation No. 200430323

IN streams/wetlands
AT T6S/R7E - T7S/R6E
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# NH 0079(02)26 Fall River & Custer County PCEMS 6146

# **404 Quantities**

# No. 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards

Sta. 162+5	9 Tributary to Spring Creek	Sec 23 - T7S R
	Ordinary High Water Elevation/Depth	3310.4 ft (2.4 ft depth)
	<u>1 – 84" RCP</u>	
	Pipe Length (including end section)	164 linear ft.
	Bank & Channel Protection Gabions	27 cu. yd.
Sta. 198+1	0 Spring Creek	Sec 14 - T7S R
	Ordinary High Water Elevation/Depth	3308.2 ft (2.0 ft depth)
	1 - 9' x 9' RCBC extension with flared v	wingwalls
	Backfill of RCBC undercut	120 cu. yd.
	Concrete	109 cu. yd.
	Embankment Fill Temporary Fill	100 cu. yd. 20 cu. yd.
	Riprap	20 cu. yd. 21 cu. yd.
	Total	370 cu. yd.
		·
Sta. 204+3	1 Tributåry to Spring Creek	Sec 14 – T7S R
N	Ordinary High Water Elevation/Depth	3307.8 ft (2.8 ft depth)
	1 - 60" RCP	
	Pipe Length (including end section)	126 linear ft.
	Bank & Channel Protection Gabions	15.5 <b>cu. yd.</b>
C+a 221.6	0 Tributary to Spring Creek	014 T70 D
Sta. 221+6	O Tributary to Spring Creek	Sec 14 – T7S R
	Ordinary High Water Elevation/Depth	3314.4 ft (2.8 ft depth)
	1 – 72" RCP	
	Pipe Length (including end sections)	146 linear ft.
	Bank & Channel Protection Gabions	21.5 <b>cu. yd.</b>
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Sta. 230+3	0 Tributary to Spring Creek	Sec 13 - T7S R
	Ordinary High Water Elevation/Depth	3323.1 ft (2.5 ft depth)
	1 – 60" RCP	

PURPOSE: Road Improvement
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SD Dept. of Transportation

**Bank & Channel Protection Gabions** 

No. 200430323

IN streams/wetlands AT T6S/R7E - T7S/R6E COUNTY Custer/Fall River DATE 10/20/2004 SHEET 6 of 15

15.5

**Tributary to Eim Creek** Sta. 268+47 Sec 12 - T7S R6E Ordinary High Water Elevation/Depth 3313.6 ft (2.5 ft depth) 1 - 60" RCP Pipe Length (including end sections) 144 linear ft. Bank & Channel Protection Gabions 15.5 cu. yd. Sta. 276+57 Tributary to Elm Creek Sec 12 - T7S R6E Ordinary High Water Elevation/Depth 3327.0 ft (2.3 ft depth) 1 - 48" RCP Pipe Length (including end sections) 138 linear ft. **Bank & Channel Protection Gabions** 12 cu. yd. Sta. 296+00 Elm Creek Sec 12 - T7S R6E Ordinary High Water Elevation/Depth 3312.5 ft (0.6 ft depth) 2 - 10' x 10' RCBC with flared wingwalls Backfill of RCBC undercut 791 cu. yd. Concrete 317 cu. yd. **Embankment Fill** 200 cu. yd. Temporary Fill 40 cu. yd. 517 Riprap <u>cu. yd.</u> Total 1865 cu. yd. Sta. 350+05 Tributary to Elm Creek Sec 1 - T7S R6E Ordinary High Water Elevation/Depth 3408.3 ft (0.8 ft depth) 1 - 9' x 8' RCBC Backfill of RCBC undercut 120 cu. yd. Precast Box Length (including ends) 212 linear ft. **Embankment Fill** 150 cu. yd. Temporary Fill 20 cu. yd. Riprap 16 <u>cu. yd.</u> Total 306 cu. yd. + 212 linear ft. Sta. 372+00- 377+50 Tributary to Beaver Crk. Sec 31 - T6S 7E Ordinary High Water Depth <u>1.3 ft</u> Roadway encroachment into channel Roadway Fill 1000 <u>cu. yd.</u>

PURPOSE: Road Improvement

APPLICATION BY:

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IN streams/wetlands
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Sta. 388+00 Tributary to Beaver Creek Sec 31 - T6S 7E

Ordinary High Water Elevation/Depth

3355.1 ft (1.3 ft depth)

#### **OPTION NO. 1**

### 1 - 9' x 8' Cast-in-place RCBC with flared wingwalls

Backfill of RCBC undercut	481 cu.	vd.
Concrete	114 cu.	•
Embankment Fill	160 cu.	
Temporary Fill	30 cu.	
Riprap	<u>16 cu. </u>	•
Total	801 cu.	

#### **OPTION NO. 2**

### 1 - 9' x 8' Precast RCBC with standard end sections

Backfill of RCBC undercut Precast Box Length (including ends)	423 232	cu. yd. linear ft.
Embankment Fill	160	cu. yd.
Temporary Fill	30	cu. yd.
Riprap	16	cu. yd.
Total	629	cu. yd. + 232 linear ft.

•	Sta. 408+34	Tributary to Beaver Creek	Sec 31 - T6S R7	E
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Ordinary High Water Depth 2.8 ft

1 - 60" RCP

Pipe Length (including end sections)

Bank & Channel Protection Gabions

144 linear ft.

15.5 cu. yd.

## • Sta. 424+02 Tributary to Beaver Creek Sec 30 - T6S R7E

Ordinary High Water Elevation/Depth 3341.3 ft (2.8 ft depth)

1 - 60" RCP

Pipe Length (including end sections)

Bank & Channel Protection Gabions

113 linear ft.

5 cu. yd.

Table 1

Wetland Impacts
NH 0079(08)26 PCEMS 5797 CUSTER COUNTY
NH0079( ) 27 PCEMS 6146 CUSTER/FALL RIVER COUNTIES
SD79 FROM FAIRBURN ROAD TO SD 36 SOUTH OF HERMOSA
SD 79 FROM BUFFALO GAP TO FAIRBURN CORNER
SD 79 FROM MAVERICK JCT TO BUFFALO GAP

No.	Type .	Area left (ft <sup>2</sup> )	Area right (ft <sup>2</sup> )	Total area (ft <sup>2</sup> )	
1.	PEMC	0	0	0	-
2.	PEMA	1390	0	1390	
3.	PFOA	1390	0	1390	
4.	PUSCh	1600	0	1600	

PURPOSE: Road Improvement

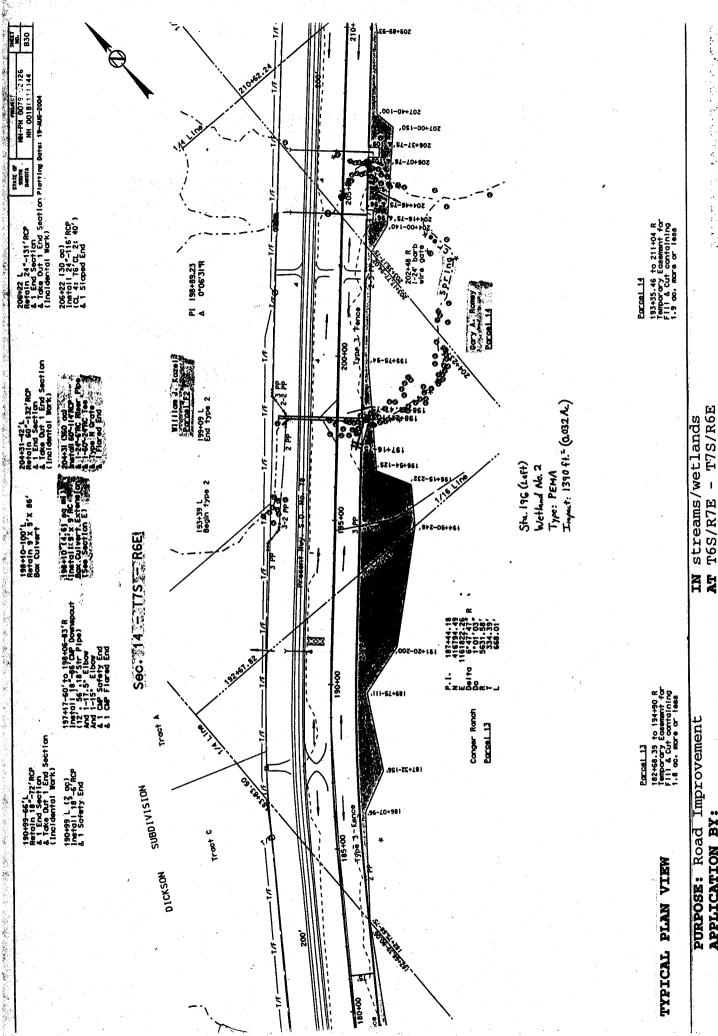
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